

December 9, 2020  
National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

Tanya Meekins  
OTAQ Freedom of Information Act (FOIA) Officer  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

Via FOIAOnline and by email to: [meekins.tanya@epa.gov](mailto:meekins.tanya@epa.gov)

**Re: Freedom of Information Act Request**

Dear Ms. Meekins:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552, we are requesting copies of certain customer survey data and focus group materials from the 2005 through 2012 time period, collected by a contractor on behalf of the EPA and the National Highway Traffic Safety Administration (NHTSA), in connection with agency efforts to revise the Motor Vehicle Fuel Economy Label Regulations, 49 CFR Part 575, under dockets EPA-HQ-OAR-2009-0865 and NHTSA-2010-0087.

Specifically, we are requesting copies of any and all customer survey data and focus group materials collected or submitted to the EPA's in connection with the fuel economy label studies undertaken for EPA and NHTSA by PRR, Inc., under EPA Contract No. GS-23F-0364, between 2005 and 2012. Materials of interest include textual materials (customer surveys, focus group data and reports) as well as non-textual materials (audio and video recordings of focus groups, computerized and electronic records such as files and databases storing survey and focus group information).

Offices within EPA which were involved with overseeing PRR's collection of these customer survey and focus group materials included, but may not be limited to, the EPA Certification and Compliance Division (CCD), the EPA Office of Transportation and Air Quality (OTAQ) and its Compliance and Innovative Strategies Division; and the EPA National Center for Environmental Economics (NCEE).

A series of joint EPA/NHTSA reports were prepared for this effort, which detail the following survey and focus group efforts resulting in survey and focus group documents of interest to us:

-Two focus groups each conducted in Kansas City, Missouri; Detroit, Michigan; Los Angeles, California; Atlanta, Georgia, and Boston, Massachusetts. Described in PRR, Inc., *EPA Fuel Economy Label Focus Groups: Report of Findings* (March 2005), p. 5, contained in EPA Docket EPA-HQ-OAR-2009-0865. Report notes: “audio and video recording of all groups were conducted...”

-Two additional focus groups each conducted in Seattle, Washington; Detroit, Michigan; Kansas City, Missouri; Baltimore, Maryland; and Atlanta, Georgia. Described in PRR, Inc., *Fuel Economy Focus Groups Phase 2 Findings* (August 28, 2006), p. 3, contained in EPA Docket EPA-HQ-OAR-2009-0865. Report notes both audio and video recording of all groups were conducted.

-Thirty-two (32) focus groups with 256 participants conducted in three phases between February 25, 2010 and May 27, 2010, in Seattle, Washington; Chicago, Illinois; Houston, Texas; and Charlotte, North Carolina. Phase I involved eight (8) focus groups focused on “use of the current fuel economy label, as well as metrics and design of the label for conventional internal combustion engine vehicles.” Phase II involved eight (8) focus groups focused on “understandability of and preference for metrics for advanced technology vehicle labels.” Phase I involved sixteen (16) focus groups focused on “assessment of full label designs for conventional and advanced technology vehicles in regard to content and look.” Described in PRR, Inc., *Environmental Protection Agency Fuel Economy Label Final Report* (September 98, 2010), p. 34, contained in EPA Docket EPA-HQ-OAR-2009-0865.

-Pre-focus group online surveys prepared by recruits for the above-noted 2010 focus groups. A total of 404 potential participants completed the pre-focus group online survey and data analysis was done by PRR using SPSS (Statistical Package for the Social Sciences) software. Described in EPA, *Environmental Protection Agency Fuel Economy Label Pre-Focus Groups Online Survey Report*, pp. 10-11, and PRR, Inc., *Environmental Protection Agency Fuel Economy Label Final Report* (September 98, 2010), p. 32, both contained in EPA Docket EPA-HQ-OAR-2009-0865.

-An Internet Survey, conducted by PRR, between September 8, 2010 and September 22, 2010, on three proposed fuel economy label designs. The Internet survey involved 3,169 respondents and “the data from all versions of the survey was merged into one database for analysis purposes.” Described in PRR, Inc., *Internet Survey Results on the Effects of Fuel Economy Labels on Understanding and Selection* (November 2010), contained in EPA Docket EPA-HQ-OAR-2009-0865.

In December 2009, for the fuel economy label customer survey and focus group project, EPA formally established Information Collection Request (ICR) 2333.01 and public docket EPA-HQ-OAR-2009-0865 as noted, which was then “available for viewing” at the agency’s Air and Radiation Docket Information

Center, in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW, Washington, DC. At the time and thereafter, materials could be submitted to the docket electronically. While we have been able to locate the above-referenced PRR reports on regulations.gov under EPA-HQ-OAR-2009-0865, the online docket file does not contain the materials we are now requesting and we would appreciate a further search to be made.

As part of this request, and in addition to searches of potentially responsive records held at the EPA Office of Office of Transportation and Air Quality (OTAQ) and other involved offices, we are requesting also that certain, specific records accessions of the EPA which are held under agency control at the Washington National Records Center, Suitland, Maryland, be searched for any information responsive to the request. These accessions are **highlighted in red** in Attachment A to this request. The majority of these accessions include agency central, controlled, official, and major correspondence files from the period of interest and may contain correspondence involving the EPA, PRR, and/or NHTSA, which may attach or reference customer survey and focus group materials responsive to our request.

We request as well that we be provided with copies of the official Records Transmittal Forms (SF-135s) associated with each of the **red-highlighted accessions** in Attachment A. Our review of such forms may assist in identifying clearly responsive materials; we are happy to work with agency FOIA staff to perform this task.

We are also asking that the following records series, held by EPA in its headquarters or regional offices or under agency control at any records centers, be searched as well for responsive documents:

Records Series	Retention Period	Retention Schedule	Relevant Notes
Series 258A, Final Deliverables and Reports	Permanent. Keep inactive materials after file break at completion of project, then retire to Federal Records Center (FRC). Transfer to the National Archives 20 years after file break.	N1-412-94-2/37	Retention schedule notes applies to “all programs... agency-wide.” Records include all “final deliverables resulting from a contracted service or study.” <i>Any materials produced by PRR, Inc., will be responsive.</i>
Series 150A, Rulemaking Dockets  Series 50, Dockets	Permanent. Whether paper or microform, retire to Federal Records Center (FRC) along with “finding aids	N1-412-94-2/24 and 150. <i>Note: it is unclear if Schedule 150 has been implemented. February 23, 2004 note indicates</i>	Retention schedules note applies to “all programs... agency-wide.” Records include “background

	and indexes.” Transfer to the National Archives 20 years after docket is closed.	<i>the schedule is “under development and MAY NOT be used to retire or destroy records.”</i>	documents” and “any contractor reports critical to the rulemaking.” <i>Any survey and focus group materials” produced by PRR, Inc., will be responsive.</i>
Series 005A, Special Studies	Temporary. Retain in office at least 1 year after file break at completion of study, then retire to Federal Records Center (FRC). Destroy 7 years after file break. <i>Please check these records for any responsive materials not destroyed.</i>	N1-412-94-2/2	Retention schedule notes applies to “all programs... agency-wide.” Records include “supporting files relating to the development of special studies and surveys.” <i>Any survey and focus group materials” produced by PRR, Inc., will be responsive.</i>
Series 141A, Controlled and Major Correspondence	Permanent. Break file at end of year, then keep inactive materials in office 1 year after file break, then retire to the Federal Records Center (FRC) and transfer to National Archives in 5 year blocks, 20 years after file break.	N1-412-94-2/12	Retention schedule notes applies to “all programs... agency-wide.” Records include correspondence that “significantly documents the program activities” and indexes to the correspondence. <i>Any correspondence to or from PRR, Inc., concerning the fuel economy label surveys and focus groups, will be responsive.</i>
Series 127A, General Correspondence Files	Temporary. Break file at end of year, then keep inactive files in office at least 1 year after file break, then retire to the	N-412-94-2/18	Retention schedule notes applies to “all programs... agency-wide.” Records include “all general or

	Federal Records Center (FRC) and destroy when 5 years old. <i>Please check these records for any responsive materials not destroyed.</i>		uncontrolled correspondence files" in all agency programs. <i>Any correspondence to or from PRR, Inc., concerning the fuel economy label surveys and focus groups, will be responsive.</i>
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Additionally, we are hereby requesting that all prior FOIA logs of the EPA since 2005 be checked to determine if records responsive to this request may have been previously released. We have to date identified one specific previous FOIA request which may have involved records responsive to our current request; see below:

FOIA Requester	Date of Request	Request Topic	Relevant Notes
Eric Litton	March 24, 2014	"I request a soft copy version of the raw data used to complete the report on Internet Survey Results on the Effects of Fuel Economy Labels on Understanding and Selection ( <a href="http://www.epa.gov/fueleconomy/label/prr-topline-report-11-22-10.pdf">http://www.epa.gov/fueleconomy/label/prr-topline-report-11-22-10.pdf</a> )"	FOIA Request EPA-2014-003887. Noted as "Closed/Full Grant."

We have not, however, been able to check all FOIA logs, particularly those involving OTAQ or NCEE. If such records have been previously released, we request that they be made available to us.

We also specifically request that any previous FOIA tracking systems or databases be checked for responsive materials, including any superseded systems or FOIA case files retired to agency or FRC storage.

To the extent that any relevant documents are classified, we request that they be declassified and/or sanitized for our review. If there are classified documents that cannot be declassified and/or sanitized, we request that you identify any and all such documents by listing date, author, recipient(s) and unclassified subject matter. We would also appreciate receiving any materials that can be released as soon as possible, rather than waiting for all responsive documents to clear the review process.

History Associates agrees to pay all reasonable and standard processing fees authorized by 5 U.S.C. 552(a)(4)(A) and the applicable regulations up to \$250. Should the fees exceed this amount, please call

me with an estimate of the total costs in order that specific expenditures beyond \$250 can be authorized.

Should you have any questions or concerns regarding this request, please contact us at (301)279-9697 or via email to [meisen@historyassociates.com](mailto:meisen@historyassociates.com)

Sincerely,



Mimi Eisen  
Historian